



# CITY OF MEMPHIS

## COUNCIL AGENDA

September 15, 2015

Public Session Tuesday, 3:30 p.m.

Council Chambers, First Floor, City Hall

125 North Main Street

Memphis, Tennessee 38103-2017

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### CALL TO ORDER by the Sergeant-at-Arms

### INVOCATION

*Any invocation that may be offered before the official start of the Council meeting shall be the voluntary offering of a private citizen, to and for the benefit of the Council. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the Council and do not necessarily represent the religious beliefs or views of the Council in part or as a whole. No member of the community is required to attend or participate in the invocation and such decision will have no impact on their right to actively participate in the business of the Council. Copies of the policy governing invocations and setting forth the procedure to have a volunteer deliver an invocation are available upon written request submitted to the Council Administrator of the Memphis City Council.*

### PLEDGE OF ALLEGIANCE

### CALL OF ROLL by the Comptroller

### APPROVAL OF PREVIOUS MEETING MINUTES (September 1, 2015)

### ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING

### ITEMS HELD OR DROPPED FROM THE AGENDA

#### PRESENTATIONS AND RECOGNITION OF VISITORS (None)

#### PUBLIC HEARINGS

1. RESOLUTION approving a subdivision appeal located on the northeast corner of Williamsburg Lane and Village Road, containing .81 acre. This resolution is sponsored by the Office of Planning and Development. (Held from 8/18)  
Collins Chairman, Planning & Zoning Committee Case No. S 15-06

Appellant: Mary V. and Donald L. Jordan, Jr.

Request: Overturn the decision of the Land Use Control Board on 06/11/15 which approved a proposed two-lot resubdivision

LUCB and OPD recommendation: APPROVAL, of the resubdivision with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**60 NOTICES WERE MAILED ON AUGUST 7, 2015**

**DIVISION OF PLANNING AND DEVELOPMENT**

2. RESOLUTION approving a planned development located 959 feet north of the intersection of Winchester and Kirby Parkway, containing 7.27 acres in the Agriculture (CA) Zoning District. This resolution is sponsored by the Office of Planning and Development.

Collins  
Chairman,  
Planning &  
Zoning Committee

Case No. PD 15-316  
(Companion Case SAC 15-616)

Applicant: Psalms, Inc.  
Homer Branan – Representative

Request: Expand the boundary of Kirby Pines Estate PD to permit office and open space uses and to close a section of Kirby Road (see companion case SAC 15-616)

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**No Opposition at LUCB; No Public Hearing Required**

3. RESOLUTION approving a street/alley closure located on Kirby Road; 850 feet north of Winchester Road, containing 0.924 acre in the Agriculture (CA) Zoning District. This resolution is sponsored by the Office of Planning and Development.

Collins  
Chairman,  
Planning &  
Zoning Committee

Case No. SAC 15-616  
(Companion Case PD 15-316)

Applicant: Psalms, Inc.  
Homer Branan – Representative

Request: Close a section of Kirby Road (see companion case PD 15-316)

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**No Opposition at LUCB; No Public Hearing Required**

4. RESOLUTION approving a street/alley closure located on the north side of York Avenue; 540.5 feet west of Cooper Avenue, containing 0.06 acre in the Employment District in the Midtown Overlay District. This resolution is sponsored by the Office of Planning and Development.

Collins  
Chairman,  
Planning &  
Zoning Committee

Case No. SAC 15-615

Applicant: Robert Black  
Tim McCaskill – Representative

Request: Vacate public right-of-way

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**No Opposition at LUCB; No Public Hearing Required**

**ZONING ORDINANCE – THIRD AND FINAL READING**



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## CONSENT AGENDA

### GENERAL ORDINANCES - FIRST READING (None)

### GENERAL ORDINANCES - SECOND READING (None)

### ZONING ORDINANCE - FIRST READING

5. **ORDINANCE** rezoning 795 South Cooper Street; being the west side of South Cooper Street, north of Elzey Avenue, extending north to the CSX Railroad ROW, containing 0.557 acre in the Commercial Mixed Use (CMU-1 District, up for F I R S T reading. This resolution is sponsored by the Office of Planning and Development.  
Collins  
Chairman,  
Planning &  
Zoning Committee

Case No. Z 15-103

Ordinance No. 5602

Applicant: Shane Herbers – Midtown Autowerks  
Brenda Solomito Basar – Representative

Request: Employment (EMP) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on First reading

### ZONING ORDINANCES - SECOND READING

6. **JOINT ORDINANCE** amending the Memphis and Shelby County Unified Development Code as adopted by the City of Memphis on August 10, 2010 and by Shelby County on August 9, 2010, as amended, to revise and enhance the Joint Zoning and Subdivision Regulations as recommended by the Memphis and Shelby County Office of Planning and Development and the Land Use Control Board, up for S E C O N D reading. This ordinance is sponsored by the Office of Planning and Development.  
Collins  
Chairman,  
Planning &  
Zoning  
Committee

Case No. ZTA 15-002cc

Ordinance No. 5600

Applicant: Memphis and Shelby County Office of Planning & Development  
Josh Whitehead, Planning Director – Representative

Request: Adopt amendments to the Memphis and Shelby County Unified  
Development Code

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on Second reading

7. **ORDINANCE** rezoning the north side of Summer Avenue; +/-225 feet west of  
Vaughn Avenue, containing 0.55 acre in the Residential Single Family (R-6)  
District, up for S E C O N D reading. This ordinance is sponsored by the Office of  
Planning and Development.  
Collins  
Chairman,  
Planning &  
Zoning Committee

Case No. Z 15-102  
Ordinance No. 5601

Applicant: Belinda P. Thompson & Bernie J. Brown, Trustee  
Winchester Law Firm – Rick Winchester – Representative

Request: Commercial Mixed Use (CMU-1) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on Second reading

**ENGINEERING**

8. RESOLUTION approving WINCHESTER HACKS CROSS ROAD P.D. and  
authorizing release of bond.

Case No. PD 06-342cc  
(Contract No. CR-5220)

Resolution accepts completion of the improvements and the dedication of public  
streets and easements as shown on the final plat located south of Winchester  
Road, on the eastside of Centennial Drive. The standard improvement contract  
was approved on December 2, 2014. Resolution also authorizes the release of the  
Letter of Credit in the amount of \$400,000.00. This action is subject to County  
approval.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

9. RESOLUTION approving ENGINEERING PLANS OF MD1 SUBDIVISION SEWER  
EXTENSION.

Contract No. CR-5233

Resolution approves the engineering plans located on the north side of Moriarity Road, west of Germantown Parkway. Cost of the required improvements to be borne by the developer. Resolution also authorizes the proper officials to execute the attached standard sewer extension contract.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

**NOTATION FROM OPD**

10. **NOTATION** from the Land Use Control Board that the following case was heard and recommendation made requesting a date of public hearing:

A. Case No. SUP 15-212

Located at 184 A.W. Willis Avenue, on the northeast corner of A.W. Willis Avenue and Third Street, containing 0.428 acre in an area currently governed by a vacant convenience store in the Mixed Use (MU) zone in the Uptown District

Applicant: A.W. Willis Fuel Center, LLC  
The Bray Firm – David Bray - Representative

Request: Establish a convenience store with gasoline sales

LUCB and OPD recommendation: APPROVAL, with conditions

**ACTION REQUESTED: Set a date of public hearing**

**SUGGESTED DATE: October 6, 2015**

**GENERAL ITEM** (None)



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## MLGW FISCAL CONSENT

11. RESOLUTION awarding Contract No. 11784, Electric Meter Socket Replacement, to F & F Enterprise, in the funded amount of \$868,065.00.
12. RESOLUTION approving Contract No. 11832 between Memphis Light, Gas and Water Division and ANR Pipeline Company, in the amount of approximately \$10,299,870.00, for seven winter seasons (November through March), effective November 1, 2015 and ending March 31, 2022.
13. RESOLUTION awarding Contract No. 11802, Repairs to Mallory Pumping Station West Reservoir, to Atlas Coatings, Incorporated, in the funded amount of \$198,750.00.
14. RESOLUTION awarding a contract to Universal Scaffold & Equipment, LLC, for swaged aluminum electrical substation connectors, in the amount of \$62,678.97.
15. RESOLUTION awarding a contract to Weldship Corporation, for the purchase of an ethylene storage tube trailer, in the amount of \$109,650.00.
16. RESOLUTION approving the selection of LMCG Investments, LLC, a small cap growth manager, to manage approximately \$38,000,000.00, for the benefit of the MLGW Retirement and Pension Fund, as part of a reallocation.
17. RESOLUTION approving the selection of StoneRidge Investment Partners, a small cap growth equity manager, to manage approximately \$10,000,000.00, for the benefit of the MLGW Retirement and Pension Fund, as part of a reallocation.
18. RESOLUTION awarding Contract No. 11822, Ignite Services-PayPoint, to First Data, in the funded amount of \$1,800,000.00.
19. RESOLUTION approving the ratification, change, renewal, and authorization to pay for services, maintenance, and support of Change No. 7, Contract No. 11292, Cashiering System Replacement, with System Innovators in the funded amount of \$254,118.00.
20. RESOLUTION awarding Contract No. 11801, Prescription Benefits Management, to Express Scripts, in the funded amount of \$63,345,000.

21. RESOLUTION approving Change No. 5 to Contract No. 11393, Network Maintenance, with Venture Technologies, Incorporated, in the funded amount, not-to-exceed, \$250,833.00. (This change is to extend the current contract for software maintenance, license, and support for four months covering the period October 15, 2015 through February 14, 2016. This extension is needed to allow sufficient time for the evaluation of bids which are due to be received September 8, 2015.)





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## REGULAR AGENDA

22.

Crone

Chairman

Personnel &

Intergovern-  
mental

Committee

### APPOINTMENTS

### CIVIL SERVICE COMMISSION

#### Appointment

Sarah Johnson Carter

### FIRE DEPARTMENT BOARD OF APPEALS

#### Appointment

Constance Hickey Scott

### MEMPHIS STORMWATER BOARD

#### Appointments

Robert D. Cash - Alternate

Lori Morris

#### Reappointment

Robert J. Simpson

### PENSION BOARD OF ADMINISTRATION

#### Appointment

Robert M. Knecht

**SOLID WASTE MUNICIPAL PLANNING REGION BOARD**

**Appointment**

Patrice Thomas

**GENERAL ORDINANCES – THIRD AND FINAL READING**

23. **ORDINANCE** to amend Chapter 25, Pension and Retirement System of the City of Memphis, Code of Ordinances, to Modify the Disability Provisions, up for T H I R D and F I N A L reading. Ordinance No. 5598 is sponsored by Councilman Kemp Conrad and Chairman Myron Lowery.
- Crone  
Chairman,  
Personnel &  
Intergovernmental  
Committee
- ACTION REQUESTED: Take whatever action Council deems advisable

24. **ORDINANCE** to amend Chapter 25, Code of Ordinances, City of Memphis, so as to amend Section 25-200 of the 1978 Plan to add Paragraph G to allow for limited suspension of the DROP Program by qualifying participants, up for T H I R D and F I N A L reading. Ordinance No. 5599 is sponsored by Administration.
- Lowery  
Chairman,  
Executive  
Session
- ACTION REQUESTED: Take whatever action Council deems advisable

**ENGINEERING DIVISION** (None)

**EXECUTIVE DIVISION** (None)

**FINANCE & ADMINISTRATION**

25. **RESOLUTION** authorizing the City Purchasing Agent to dispose of all city owned tangible personal/surplus properties with a value of \$10,000.00 or more, including motor vehicles through city surplus sales during FY2016 through FY2019. This resolution is sponsored by the Finance Division.
- Strickland  
Chairman,  
Budget  
Committee
- ACTION REQUESTED: Adopt the resolution

**DIVISION OF FIRE SERVICES** (None)

**DIVISION OF GENERAL SERVICES** (None)

**DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT**

26. **RESOLUTION** approving the Parking Agreement between the City of Memphis and Raymond James and Associates, Inc., relative to the property located at 1 Riverside Drive, Memphis, Tennessee. This resolution is sponsored by Housing and Community Development. (Held from 9/1)
- Brown  
Chairman,  
Housing &  
Community  
Development  
Committee
- ACTION REQUESTED: Adopt the resolution

**DIVISION OF HUMAN RESOURCES**

27. RESOLUTION requesting that a more robust performance review system be developed and that all employees with multiple disciplinary actions do not receive pay raises. This resolution is sponsored by Councilman Kemp Conrad. (Held from 8/4)
- Crone  
Chairman,  
Personnel &  
Intergovern-  
mental Committee
- ACTION REQUESTED: Adopt the resolution

**INFORMATION SERVICES** (None)

**LAW DIVISION** (None)

**MLGW DIVISION**

28. RESOLUTION approving actuarial funding to the Retirement and Pension System in the amount of approximately \$21,390,060.00 for the 2015 Plan Year. This resolution is sponsored by MLGW.
- B. Boyd  
Chairman,  
MLGW  
Committee
- ACTION REQUESTED: Adopt the resolution
29. RESOLUTION approving a transfer of funds to equal the 2015 Annual OPEB Cost from the MLGW Common Fund to the MLGW OPEB Trust in the estimated amount of \$12,980,004.00. This resolution is sponsored by MLGW.
- B. Boyd  
Chairman,  
MLGW  
Committee
- ACTION REQUESTED: Adopt the resolution

**DIVISION OF PARKS AND NEIGHBORHOODS** (None)

**DIVISION OF POLICE SERVICES** (None)

**DIVISION OF PUBLIC WORKS**

30. RESOLUTION approving an amendment to the Exclusive Archery Rights Memorandum Agreement with TWRA dated April 23, 2001, as approved by the Board of Commissioners of the Memphis and Shelby County Port Commission on October 15, 2014. This resolution is sponsored by the Port Commission. (Held from 3/17; 5/19; 6/2; 7/7; 8/4)
- Hedgepeth  
Chairman,  
Public Works  
& Transporta-  
tion Committee
- Contract No. CR-5228

ACTION REQUESTED: Adopt the resolution

31. RESOLUTION appropriating \$30,000.00 funded by G.O. Bonds General in CIP Project Number GA03001, Service Vehicles, to fund the local share for purchasing service vehicles as part of the Fiscal Year 2016 Capital Improvement Budget. This resolution is sponsored by MATA.
- Hedgepeth  
Chairman,  
Public Works &  
Transportation  
Committee
- ACTION REQUESTED: Adopt the resolution

32. RESOLUTION appropriating \$30,000.00 funded by G.O. Bonds General in CIP  
Hedgepeth Project Number GA03011, Paratransit Vehicles, to fund the local share for purchasing  
Chairman, paratransit vehicles as part of the Fiscal Year 2016 Capital Improvement Budget.  
Public Works & This resolution is sponsored by MATA.  
Transportation  
Committee

ACTION REQUESTED: Adopt the resolution

33. RESOLUTION appropriating \$200,000.00 funded by G.O. Bonds General in CIP  
Hedgepeth Project Number GA03007, Fixed-Route Buses, to fund the local share for purchasing  
Chairman, fixed-route buses as part of the Fiscal Year 2016 Capital Improvement Budget. This  
Public Works & resolution is sponsored by MATA.  
Transportation  
Committee

ACTION REQUESTED: Adopt the resolution

34. RESOLUTION appropriating \$200,000.00 funded by G.O. Bonds General in CIP  
Hedgepeth Project Number GA03024, Rail Facility Improvements, to fund the local share for  
Chairman, rail facility improvements as part of the Fiscal Year 2016 Capital Improvement Budget.  
Public Works & This resolution is sponsored by MATA.  
Transportation  
Committee

ACTION REQUESTED: Adopt the resolution

35. RESOLUTION appropriating \$200,000.00 funded by G.O. Bonds General in CIP  
Hedgepeth Project Number GA03022, Advanced Public Transportation Systems, to fund the  
Chairman, local share for purchasing Advanced Public Transportation Systems/ITS equipment  
Public Works & as part of the Fiscal Year 2016 Capital Improvement Budget. This resolution is  
Transportation sponsored by MATA.  
Committee

ACTION REQUESTED: Adopt the resolution

36. RESOLUTION appropriating \$250,000.00 funded by G.O. Bonds General in CIP  
Hedgepeth Project Number GA03025, Bus Facility Improvements, to fund the local share for  
Chairman, bus facility improvements as part of the Fiscal Year 2016 Capital Improvement  
Public Works & Budget. This resolution is sponsored by MATA.  
Transportation  
Committee

ACTION REQUESTED: Adopt the resolution

37. RESOLUTION appropriating \$2,250,000.00 funded by G.O. Bonds General in CIP  
Hedgepeth Project Number GA03026, Rail Vehicles, to fund the local share for purchasing rail  
Chairman, vehicles as part of the Fiscal Year 2016 Capital Improvement Budget. This resolution  
Public Works & is sponsored by MATA.  
Transportation  
Committee

ACTION REQUESTED: Adopt the resolution

38. RESOLUTION appropriating \$415,000.00 in G.O. Bonds General, Project Number  
Hedgepeth EN01004, chargeable to the 2016 Capital Improvement Budget to purchase various  
Chairman, traffic signal equipment needed in traffic control throughout the Fiscal Year 2016.  
Public Works & This resolution is sponsored by Public Works.

Transportation  
Committee

ACTION REQUESTED: Adopt the resolution

39. RESOLUTION appropriating \$1,508,683.34 in G.O. Bonds General, Project Number  
Hedgepeth PW01272, chargeable to the 2016 Capital Improvement Budget for the repaving of  
Chairman, various streets throughout the City of Memphis. This resolution is sponsored by  
Public Works & Public Works.  
Transportation

Committee

ACTION REQUESTED: Adopt the resolution

40. RESOLUTION appropriating 484,785.00 funded by G.O. Bonds General, Project  
Hedgepeth Number PW04102, chargeable to the 2016 Capital Improvement Budget for the  
Chairman, relocation and centralization of Neighborhood Improvement. This resolution is  
Public Works & sponsored by Public Works.  
Transportation

Committee

ACTION REQUESTED: Adopt the resolution

**GENERAL ITEM** (None)

**APPEARANCE CARDS FOR PUBLIC SPEAKING**

**ADJOURNMENT**

**ADD-ONS**

41. **APPOINTMENTS**

Crone

Chairman,  
Personnel &  
Intergovern-  
mental  
Committee

**MEMPHIS HOUSING AUTHORITY**

**Appointment**

Dr. Laura E. Harris

42. RESOLUTION accepting grant funds in the amount of \$44,795.00 from the State of Tennessee Department of Labor and Workforce Development Division for WIA Reemployment Services and Eligibility Assessment (RESEA). This resolution is sponsored by Workforce Investment Network.
- Halbert  
Chairman,  
Economic  
Development &  
Tourism Committee
- ACTION REQUESTED: Adopt the resolution

**ACTION TAKEN BY COUNCIL ON THIS DATE**

1. Held until October 6, 2015
2. Through 9 – Approved
10. Public Hearing Set for October 6, 2015
11. Through 22 – Approved
23. Held until October 20, 2015
24. Approved, as amended
25. & 26 – Approved
27. Held until October 20, 2015
28. & 29 – Approved
30. Held until October 20, 2015
31. Through 42 – Approved

**ACTION TAKEN ON THE MINUTES OF SEPTEMBER 1, 2015 MEETING**

Approved, as amended. Item #33 was pulled and the minutes for this item were voted on separately.

**ACTION TAKEN ON THE MINUTES OF ITEMS#41 & #42 FROM TONIGHT'S MEETING**

Approved